

Customer No. 24498
Attorney Docket No. RCA88761
Final Office Action Date: April 17, 2008

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Remarks/Arguments

Claims 1-17 are pending in this application and are rejected in the final Office Action of April 17, 2008. Claims 1, 7, 9 and 12-14 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as their invention.

Rejection of Claims 1-9 and 11-17 under 35 U.S.C. §103(a)

Claims 1-9 and 11-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,421,069 issued to Ludtke et al. (hereinafter, "Ludtke") in view of U.S. Patent No. 6,370,322 issued to Horiguchi et al. (hereinafter, "Horiguchi"), and further in view of U.S. Patent No. 5,477,262 issued to Banker (hereinafter, "Banker"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 1, as amended herein, recites:

"(d) means for transferring said digital video content and said digital OSD video data as separate data via said digital bus to said display device, wherein at said display device said digital video content passes through a first signal path which decodes said digital video content to generate decoded digital video content and all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data, and wherein outputs of said first and second signal paths are combined so that said on-screen display menu represented by said digital OSD video data is overlaid onto said decoded digital video content." (emphasis added)

As indicated above, amended independent claim 1 defines a peripheral consumer electronic device in which all menu data representative of menu content associated with the peripheral consumer electronic device passes through a signal path which does not decode the menu data. Independent claims 7, 9 and 12-14 define the foregoing subject matter in a similar manner. Support for the foregoing claimed subject matter is shown, for example, in FIG. 4 of Applicants' specification.

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None of the cited references, whether taken individually or in combination, teaches or suggests the foregoing claimed subject matter. On page 5 of the final Office Action dated April 17, 2008, the Examiner admits that Ludtke fails to disclose all elements of the claimed invention, and relies on Horiguchi to remedy a portion of these deficiencies of Ludtke. In particular, the Examiner alleges:

"Horiguchi clearly discloses the use of Isochronous transfer mechanism for transferring video content and asynchronous transfer mechanism for transferring digital video data (Fig. 2A-B, el. 21A and 51A; Col. 5, lines 14-47; Fig. 3; Col. 3, lines 54-Col. 4, lines 28) wherein video content is transmitted through a first path at the display device and decoded for display (Fig. 2B; 51B-52-54; column 4, lines 40-51) and wherein digital OSD video data (column 3, line 49-column 4, line 22) is transmitted through a second path at the display device and not decoded ('navigation' data which does not get decoded; 51A-60-57; column 3, line 49-column 4, line 22 and column 4, line 52-column 5, line 3)." (emphasis added)

As indicated above, the Examiner alleges that Horiguchi discloses that data corresponding to the claimed "digital OSD video data" of claim 1 is transmitted through a path at the display device where it is not decoded. In particular, the Examiner alleges that this "navigation" data, which does not get decoded, passes through a path including 1394 asynchronous interface 51A, conversion circuit 60 and system controller 57 of Horiguchi (see FIG. 2B). The Examiner further alleges that this "navigation data" of Horiguchi includes certain "title information" (citing column 3, lines 59-60).

In response, Applicants note that independent claims 1, 7, 9 and 12-14 are amended to clearly distinguish over the proposed combination including Horiguchi. As indicated above, independent claim 1, for example, states that "all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data." Also indicated above, the "navigation data" of Horiguchi represents only "title information" of a menu (see column 3, lines 59-60). Accordingly, at best, Horiguchi teaches only that "title information" of a menu passes through a path which does not get decoded (i.e.,

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the asynchronous path including elements 51A-60-57 in FIG. 2B). However, Horiguchi clearly teaches that much of its menu data passes through a path which does get decoded (i.e., the isochronous path including elements 51B-52-53-54-55-56 in FIG. 2B). For example, column 3, line 54 to column 4, line 9 and FIG. 3 of Horiguchi describe two different types of video menu data. In particular, the aforementioned passage of Horiguchi discloses VMGM_VOBS menu data which represents a video object set for a VMG menu (see column 3, lines 56-57), and VTSM_VOBS menu data which represents a video object set for a VTS menu (see column 3, lines 60-61). Horiguchi specifically describes the VMGM_VOBS menu data from column 3, line 62 to column 4, line 6 as follows:

"The VMGM_VOBS is composed of a plurality of VOBs (video object), each VOB is composed of a plurality of cells, and each cell is composed of a plurality of VOBUs (video object unit).

Further, each VOB is composed of NV_PCK (navigation pack), V_PCK (video pack), A_PCK (audio pack), and SP_PCK (sub-picture pack). Each pack is composed of 2048 bytes.

Each NV_PCK is composed of a PCI (presentation control information) and DSI (data search information).

Each V_PCK is composed of ID.SCR (system clock reference) of the pack and additionally a video data." (emphasis added)

As indicated above, the VMGM_VOBS menu data in Horiguchi is composed of video object units (VOBUs) which each include video (V), audio (A) and sub-picture (SP) packs, as well as certain navigation (NV) packs which include presentation control information (PCI) and data search information (DSI). The organization and arrangement of the VMGM_VOBS menu data is visually represented in FIG. 3 of Horiguchi. By comparing the two bottom-most layers of the VMGM VOBS menu data shown in FIG. 3 with the outputs of the 1394 isochronous interface 21B in FIG. 2A (i.e., outputs V, A, SP and NV), it is clearly shown that the VMGM VOBS menu data of Horiguchi is transmitted via the isochronous path (i.e., through elements 51B-52-53-54-55-56 in FIG. 2B) where it is decoded. Accordingly, Horiguchi fails to teach or suggest, *inter alia*, the claimed manner of processing menu data in which "all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not

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decode said menu data", as recited for example by claim 1. Accordingly, Horiguchi is unable to remedy the admitted deficiencies of Ludtke.

Banker is likewise unable to remedy the deficiencies of Ludtke and Horiguchi. In particular, Banker is cited for allegedly teaching the use of an overlay function in which menu characters are overlaid onto a video image (see, for example, page 6 of the final Office Action dated April 17, 2008). However, as shown for example in FIG. 3 and its accompanying description, Banker fails to teach or suggest, *inter alia*, the claimed manner of processing menu data in which "all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data", as recited for example by claim 1. Accordingly, Banker is unable to remedy the deficiencies of Ludtke and Horiguchi.

Therefore, for at least the reasons stated above, Applicants submit that neither Ludtke, Horiguchi nor Banker, whether taken individually or in combination, teaches or suggests a notable feature of independent claims 1, 7, 9 and 12-14, and their respective dependent claims. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection of Claim 10 under 35 U.S.C. §103(a)

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Ludtke in view of Horiguchi and Banker, and further in view of P1394 Draft 8.0v2. Applicants respectfully traverse this rejection since the P1394 Draft 8.0v2 is unable to remedy the deficiencies of Ludtke, Horiguchi and Banker pointed out above with reference to claims 1-9 and 11-17. In particular, P1394 Draft 8.0v2 is cited for allegedly disclosing a function control protocol in which a peripheral device transmits a control command and response by asynchronous packet for each asynchronous operation (see page 21 of the final Office Action dated April 17, 2008). However, like Ludtke, Horiguchi and Banker, P1394 Draft 8.0v2 also fails to teach or suggest, *inter alia*, the claimed manner of processing menu data in which "all menu data representative of menu content associated with said

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peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data."

Accordingly, claim 10 is patentably distinguishable over the combination of Ludtke, Horiguchi, Banker and P1394 Draft 8.0v2, and withdrawal of the rejection is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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